IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Arbitratrion Petition No.312 of 2007

Mr.G.H.Khatri ..Petitioner

vs.

1. Navi Mumbai Municipal
Corporation and another ..Respondents

Mr.U.S.Samudrala for petitioner.

CORAM: S.C.DHARMADHIKARI J
26th September,2007

P.C.

1. Mr.Samudrala despite all pursuasive efforts is unable to convince me to grant interim relief or pass interim order in terms of prayers in the petition. The first respondent, a public body, cannot be restrained from awarding contract to somebody else or to a third party. As the remedy of the petitioner is to claim appropriate relief in terms of money, such relief can always be claimed even if the work is not measured by the authorities at site. The final relief also cannot be denied merely because the contract is awarded to somebody else. Such relief in terms of money can also be awarded and Arbitral Tribunal will never be precluded from considering the claim in that behalf even if the measurements are not carried out and

the work is awarded to third party. Leaving all contentions open for the petitioner and respondents before the Arbitral Tribunal in regard to its claim, the arbitration petition is disposed of.

2. Need less to state that dismissal of this petition will not preclude the Arbitral Tribunal from making a final award, upon its satisfaction and awarding appropriate sums under the claims forwarded by the claimant/petitioner to it.

(S.C.DHARMADHIKARI J.)